

BOARD OF SELECTMEN
MINUTES
DECEMBER 4, 2006

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Virginia McIntyre, Chair; Anne D. Shapiro; Margaret B. Briggs; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager.

OPEN THE WARRANT

Ms. McIntyre declared that the Warrant for the 2007 Annual Town Meeting was now Open and would remain Open until 4PM on January 2, 2007. Articles must be turned in to the Town Manager's Office.

OUR LADY HELP OF CHRISTIANS

Ms. McIntyre announced that the Our Lady's transfer had occurred. The Swedenborg Church has issued a press release declaring that final signatures had been provided, congratulated all who had worked hard on the transfer, and noted their pleasure in joining the West Concord community.

CONSENT AGENDA:

- Town Accountant's Warrants
- Minutes: September 25, 2006; October 3, 2006; October 16, 2006
- One Day Special License: First Parish in Concord New Year Party 8-12:30PM December 31, 2006
- Extension of Hours: Nashawtuc Country Club, December 16, 2006 for Annual Adult Holiday Dinner Dance

Consent Agenda

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the consent agenda.

TOWN MANAGER'S REPORT:

Town Manager's
Report

1. Willard School Building Committee has interviewed six project management firms and selected one as Owner's Project Manager, subject to a satisfactory financial proposal. The deadline for submittal of Designer proposals is December 15th. MSBA representative Christine Nolan has been alerted to the Town's progress in these areas. Without making any comment on these activities during the moratorium, she noted the draft project manager contract on the MSBA web site.
2. The Community Preservation Committee will meet on December 5th at 7:30PM at 141 Keyes Road to consider CPA funding for 2007. In addition, if needed, there will be a meeting on December 14th at 8AM. There will not be a public comment session. If there is an overflow they may have to move to the Town House.
3. Regarding the Strawberry Hill Road land sale, the Town Manager expects the draft purchase and sale agreement from Town Counsel December 5th. After review, he and Mr. Howes will meet with the developer. The agreement should be ready for the Board to consider shortly.
4. Public Works staff, Public Works Commission, and Planning Board met to discuss updating the Town's comprehensive wastewater management plan. It will include affordable housing issues and economic development opportunities.
5. The Finance Department has received the Government Finance Offices Association Certificate of Recognition for the 2006 budget for including capital planning, narratives, and objectives. Jon Harris was noted for his efforts.

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COMMITTEE LIAISON REPORTS

Mr. Benincasa noted that the Willard School Building Committee has undertaken a lengthy evaluation of finalists for the project manager position. All were superb.

Ms. Shapiro stated that she has checked with the new manager of CCTV regarding the sound issues being experienced in programs originating at the Town House. Taping is successful. More work will be done to correct the problem.

Mr. Howes asked for an update on the Economic Council; in particular, has the committee convened. Ms. Shapiro is the liaison and will ensure that the committee meets before the end of the month. Members need to be sworn in, choose leadership and get started.

Ms. McIntyre noted the well-attended Coordination Meeting of December 2nd. Both School Committee and Finance Committee summarized the state of the Town and proposed articles for the annual Town Meeting in April. It was useful to get all the committee s together to clarify that some articles were not needed. The Chair Breakfast and the Concord-Carlisle Chairs of the Board of Selectmen, School Committee, and Finance Committees meet monthly for coordination as well.

Regarding television production for School Committee meetings, Ms. McIntyre stated that she raised this with the Committee and offered the possibility of connecting to Town fiber-optics so that meetings could be broadcast live. The Committee was asked for a Hearing regarding Adult and Community Education continuing in the regional high school budget.

7:45PM CLASSIFICATION HEARING

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to Open the Classification Hearing.

Ms. McIntyre stated that the Department of Revenue has not yet certified the assessments. Therefore there will be no vote. After discussion, the Hearing will be continued.

Board of Assessor Chair Ray Hanselman was present to speak with the Board regarding the interim year adjustment of values. The role of the Board of Assessors is to apportion the tax burden, not to increase or decrease it. Lynn Masson, the Town Appraiser, has reviewed the 136 qualified sales of 2005. There have been no major changes.

Mr. Hanselman reported that the Board recommends unanimously that the Selectmen vote 1) for a Residential Factor of 1; 2) not to grant an Open Space Discount; 3) not to adopt the Residential Exemption; and 4) not to adopt the Small Commercial Exemption.

The total taxable value of the Town is \$5,309,253,831 and the levy is \$56,065,720.46. That yields a tax rate of \$10.56. The total assessed valuation has increased by 2% due to New Growth, which is the highest since 1981. The percent adjustment on existing homes was essentially 0. There were no adjustments made as result of granted abatement applications from the previous cycle except for one condominium complex.

Mr. Howes noted that 54% of abatement applications were from single family homes and most resulted in permanent adjustments to the property data. Ms. Masson stated that these were property specific, not neighborhood general. In addition there were some condition factor adjustments and sales adjustments.

Mr. Howes noted that complaints still surround neighborhood fairness. Mr. Hanselman noted that there will always be some changes as there is a dynamic in the real estate market around neighborhoods; in addition, there are ten neighborhoods which is a compromise in a very diverse town. The Assessors are using site indices that indicate whether a portion of a neighborhood has a higher or lower value than the rest of the neighborhood and making an adjustment to reflect this.

Liaison Reports

Tax Classification
Hearing

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One sale on Nashawtuc Hill has generated concerns for two streets. The Board is reviewing this. Ms. McIntyre stated that it would be helpful if there were a rule of thumb regarding a "qualified sale" or a range of departure that would occasion the Assessors to look critically. Mr. Hanselman stated that the Assessors must meet DOR criteria for disqualifying sales. In this case, he stated that the anomalous sale did not affect the neighborhood value.

Mr. Benincasa noted that this has been a robust year for building permits and asked what impact this would have on future valuations. Mr. Hanselman stated that there would be significant New Growth in a turbulent market.

Mr. Hanselman reviewed the four components of the Board of Assessors recommendation to the Selectmen: a Residential Factor of 1 continues the uniform tax rate for all categories; there is no Open Space category of land so this option becomes moot; the Residential Exemption is believed to do more harm than good; and the Small Commercial Exemption looks disadvantageous, but it should be studied by the Economic Council during the year.

Mr. Hanselman stated that more qualified seniors were not taking advantage of tax deferrals because some see it as going into debt; others believe that it reduces the estate they can leave to their children; and others simply do not know about the option. The Board of Assessors intends to do more outreach on the issue to the Council on Aging.

Ms. Levine of the Housing Authority noted that the Authority makes an annual Payment in Lieu of Taxes to the Town of approximately \$18,000. She asked which other agencies do this and what the impact on the assessment is. Mr. Logalbo stated that CHA federally-assisted projects contribute 10% of shelter rent minus utilities; for local projects the contribution is \$100 per bedroom x the tax rate ÷ by one-half, or \$50. Ms. McIntyre stated that the Light Plant makes an annual Payment of approximately \$340,000 and that the Board has begun conversations with the local independent schools with the goal of encouraging annual gifts to the Town.

Mr. Logalbo stated that copies of Assessors' Reports and a summary of property tax data are available. He stated that the *rate* of increase has been declining for several years.

The Board agreed to hold the hearing open until 7:45PM on December 11, 2006.

CHANGE OF MANAGER – MEDEIROS RESTAURANT AND JMMJR RESTAURANT INC.

Joseph Medeiros and Mauricio Docarmo were present to seek approval for a Change of Manager for the two establishments owned by Mr. Medeiros at 206 and 208 Fitchburg Turnpike.

The paperwork was reviewed and found to be in order. Mr. Docarmo acknowledged the responsibility to be on site for a minimum of thirty ours per week during the time alcohol is being served. Ms. McIntyre gave Mr. Docarmo the Town rules and regulations regarding alcohol service.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve Mauricio Docarmo as Manager of Record at Medeiros Restaurant of 206 Fitchburg Turnpike and of JMMJR Restaurant Inc., of 208 Fitchburg Turnpike. The Manager must be engaged in the actual management of the Licensed Premises as his main occupation and must be present on the Licensed premises for not less than thirty (30) hours per week during the hours when Alcoholic Beverages are sold.

CORRESPONDENCE

Ms. McIntyre noted that the Board had received correspondence from Nashawtuc Hill residents concerning the 35% increase in their valuation. This was referred to in the Assessors discussion and does not require additional follow-up.

Regarding the Police Chief's attendance at the meeting of December 11th, Ms. McIntyre asked Board members to transmit questions and concerns to the Chief so that he can be better able to address them.

Change of Manager

Correspondence

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DISCUSS HOUSING DEVELOPMENT CORPORATION

Mr. Howes provided the Board with the revised Charge to the Concord Housing Development Corporation. He recognized the various housing interests, many of whom were in the audience, that have contributed insight into the creation of the Charge.

Michael Malouf, Chair of the Affordable Housing Committee stated that the legislation that enabled the Concord Housing Development Corporation (CHDC) created broad powers, but that the Charge starts small with the goal to expand only after success. The Board of Selectmen set housing policy and appoint the Board of Directors of CHDC.

CHDC will be an independent 501 (c) (3) corporation that develops and operates under a Charge that it develops and within the limits of the legislation that created it. It may raise funds through grants, donations, and through votes of Town Meeting.

In the short term, to fund the CHDC, the Affordable Housing Committee has sought \$775,000 in funds from the Community Preservation Committee to fund options, get approval for permits or a wetland study, to fund a feasibility study of land, or to create more affordability at Emerson Annex. Mr. Malouf noted that full time housing management staff is seen as a primary need. This person could address a range of issues that include tracking 40B developments for adherence to the 20% profits rule.

Ms. Briggs pointed out the role and responsibility of the Board regarding the CHDC. The Board will appoint the Board of Directors, receive annual reports, and set housing policy goals.

Ms. Levine, of the Housing Authority and CPC, noted that there has been hesitation to fund housing requests of the part of the CPC until the Board of Selectmen signals its support. The Affordable Housing Committee members stand ready to volunteer for the corporation. The Board called for additional green cards to expand the skill sets of those volunteers.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to authorize the Concord Housing Development Corporation, a non-profit housing corporation established by special legislation under Chapter 275 of the Acts of 2006 enacted on August 22, 2006 by the General Court of the Commonwealth of Massachusetts to preserve and create affordable housing in Concord.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to appoint Elizabeth Parise, George Xenakis, Robert Waldeck, Donald Lashley, Michael Jeans, Jerome Gentile, and Michael Malouf to the Board of Directors of the Concord Housing Development Corporation for staggered terms.

UPDATE ON PLAYING FIELDS

Mr. Whelan reported that he had appeared before the Planning Board on behalf of the playing fields initiative. There is no definitive site plan at this time for where the three fields will go, but the Planning Board did vote that they believe that three fields in the high school location are feasible and that the Board would make a recommendation to the Zoning Board of Appeals conferring site plan approval when they have site plan review.

Mr. Whelan will be discussing the issue with the Natural Resources Commission on December 6th and the Board of Appeals on December 14th.

Ms. McIntyre stated that when the Board made its recommendation to the Community Preservation Committee only four members were present. She proposed that all being present, the Board might like to get a sense from each other regarding the strategic issues of the \$1.5MM request to the CPC regarding playing fields. Mr. Howes noted that in the earlier deliberation he voted against the motion as an opportunity to show support for a larger amount to be directed to fields. He would like an opportunity to ensure that he is on record as supporting the playing fields initiative.

Housing Corporation

Playing Fields

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Board discussion included: the option of a Warrant Article to ensure the playing fields proposal will get full discussion during the Town Meeting cycle, even if the CPS does not fully fund it; whether Carlisle CPC will be funding a portion of the high school project or directing its funds to Carlisle fields, which are also shared by Concord youth groups; the high utility of artificial turf fields; the value of full size fields that enable two teams of under-12's to play at once; earlier discussion was limited to the dollar amount the Board could support; the cost per field, size and configuration have yet to be determined;

Ms. Shapiro emphatically stated that she supports two artificial turf fields of the larger dimensions to enable twice the playing space for younger teams. However, she will vote NO until she sees a plan that fully implements what she thinks is the most cost-effective use of Town resources. She stated that the Planning Board only discussed the water conservancy issues, not light or noise issues. Mr. Howes noted that the Board will recommend funding for the concept, not for a specific plan. The request will ultimately have to the Planning Board, Zoning Board of Appeals, and Natural Resources Commission for approval of a plan that will include deliberation on all the concerns Ms. Shapiro has noted.

Upon a Motion duly made and Seconded, the Board

VOTED: (4-aye, 1-no Shapiro) to support requesting \$1.5MM from the Community Preservation Committee for the purposes of building three playing fields at the regional high school, two of artificial turf and one natural grass, with lighting on the artificial turf fields, with maximum care given to minimizing impacts to adjacent residential homes and seeking additional funding through the Town Capital Plan and private fund-raising.

The Board agreed to discuss the proposal to place a Warrant Article regarding playing fields on the 2007 Town Meeting Warrant.

The Board is hopeful that the CPC will fully fund the proposal for \$1.5MM for playing fields to take advantage of the State-funded funds that are coming to the Town in CPA money and the money Concord has surcharged on its taxes. If CPC does not fully support that sum, Town Meeting could approve additional funds if the possibility exists in a warrant article.

Ms. McIntyre asked that the Town Manager prepare draft language for this article as well as for a no-wake river speed. Mr. Whelan stated that he would prepare warrant language for debt-funded program in the amount of \$3MM to fund the construction of playing fields. If the CPC funding is not available, the amount allocated in that article could be increased, provided that a sum was approved through the override process. Further discussion in needed.

DISCUSS WALDEN STREET LAND ACQUISITION

The CPC is considering two proposals for land acquisition offered by land owners submitted the proposals as housing opportunities. On the one hand, the Board discussed forming a task force to do due diligence on behalf of the Town regarding

the parcels. The parcels might have housing, farming, historic, or conservation values to be examined. Ms. Shapiro stated that this is the role of the CPC

One parcel may be in 61A, but it is being offered to the Town directly, not in response to another offer to buy. Therefore there is no 120-day cut-off date to decide. The suggested price for the land is \$900,000 for each parcel.

DISCUSS POSSIBLE FALL SPECIAL TOWN MEETING

The School Committee has asked for the Board's commitment regarding a Special Town Meeting for construction funds for Willard School. The project is unlikely to be ready for consideration at the Annual Town Meeting.

Land Acquisition

Special Town Meeting

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A Special Town Meeting requires 35 days notice plus time for voter registration. The meeting could be called any time from August to October. If the Town Meeting acted in October, a ballot election could be called for November.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to support a Special Town Meeting in the fall of 2007 to vote on construction funds for Willard School.

FY08 BUDGET DISCUSSION

Mr. Whelan reported that he had conferred with senior staff and was able to reduce the Salary Reserve line item. The Town Operations budget is within \$25,000 of the Finance Committee Guideline. He will continue to work on this to bring the budget in at the Guideline. Mr. Whelan anticipates presenting the Board with the Budget in early January.

FY08 Budget

CITIZEN COMMENT

Patty Hecht of Bristers Hill Road asked whether the Walden Street land considered earlier had any possibility for recreation. That information won't be available until after review.

Citizen Comment

MISCELLANEOUS:

1. Ms. McIntyre reported that the Selectmen's Annual Appeal will be going out to all residents during the week.
2. Mr. Benincasa reported that one Hugh Cargill Trust client is in need of funds that will exceed the Board of Selectman ceiling on gifts in one calendar year.

Miscellaneous

Upon a Motion duly made and Seconded, the Board Unanimously

VOTED: to authorize the Hugh Cargill Trust to exceed the \$1,000 limit for a particular circumstance that has been brought to the Board's attention.

3. Ms. McIntyre stated that she will be a candidate for Selectmen in the coming election. Mr. Benincasa stated that he would not.

COMMITTEE NOMINATIONS:

Ms. Briggs nominated Fred Lindgren, of 48 Eaton Street to the White Pond Advisory Committee, term to expire May 31, 2009.

Nomination

ADJOURNMENT

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session at 10:10PM and to conclude business for the evening.

Adjournment

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Philip H. Benincasa	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

Respectfully submitted,

Philip H. Benincasa, Clerk